

REMARKS

Claims 1-6, 8, 11, and 12 are pending and are rejected.

Claims 1, 11, and 12 are amended.

Claims

Rejection under 35 U.S.C. §101, as being directed to non-statutory matter

Responsive to the rejection of claims 1-4, and 6, applicants submit that these claims meet the requirement of 35 U.S.C. §101 for the reason discussed below.

However, in the interest of advancing the prosecution, applicants have amended claim 1 to more particularly point out and distinctly claim the subject matter that applicants regard as the invention.

Specifically, claim 1 is amended to recite a method for controlling user spending of a user purchasing television programs in a television apparatus, comprising the steps of detecting a first user request; providing a plurality of selectively actuatable entries for user spending limits each entry being associated with a different-length time period, in response to the first user request; receiving user selection of at least one of the plurality of selectively actuatable entries and a spending limit for the selected at least one of the plurality of selectively actuatable entries; tracking a second user request to purchase a television program during the time period associated with each selected entry; and notifying the user in response to the second user request, if purchasing the requested television program would exceed the spending limit during the time period for any selected entry.

Applicants respectfully disagree that claim 1 is non-statutory as alleged. "[T]he mere fact that a claimed invention involves inputting numbers, calculating numbers, outputting numbers, and storing numbers in and of itself, would not render it nonstatutory subject matter." *State Street Bank & Trust Co. v. Signature Fin. Group, Inc.*, 47, USPQ 2d, 1596, 1602 (Fed. Cir.), cert. denied, 119 S.Ct. 336 (1998). The court states, as noted in the Office Action, if the claimed invention does not produce a "useful, concrete and tangible result," the claimed invention is nonstatutory. See *State Street Bank* at 1602 and *AT&T Corp. v. Excel Communications, Inc.*, 50 USPQ 2d 1447, 1452 (Fed. Cir. 1999). This standard is equally applied to a machine or a process. See *AT&T* at 1451. In *State Street*, the court held that determining a final share price is a useful, concrete, and tangible result. See *AT&T* at 1452. As such, notifying a user if purchasing a requested television program would exceed a spending limit during the time period for any selected entry, as recited in claim 1, is also a useful, concrete, and tangible result. Thus, claim 1 claims statutory subject matter under U.S.C. 35, §101.

However, in the interest of advancing the prosecution, applicants have amended claim 1 to recite a method for controlling user spending of a user purchasing television programs in a television apparatus. Since the method is limited to a television application for producing a useful, concrete, and tangible result, the claim is statutory.

**Rejection under 35 U.S.C. §103(a), as being unpatentable over
US 5,559,871 ("Smith") in view of U.S. 6,067,564 ("Urakoshi")**

Responsive to the rejection of claims 1-4, 6, and 11-13 as being unpatentable

over Smith in view of Urakoshi, applicants have amended independent claims 1, 11, and 12 to more particularly point out and distinctly claim the subject matter that applicants regard as the invention, and submit that amended claims, and respective dependent claims, are patentable over these two references as discussed below.

Briefly, current television apparatus allows a viewer to order pay-per-view television programs from a television receiver. See page 1, lines 10-13. An objective of the claimed invention is to allow a viewer to set limits to different periods, so that the television apparatus can warn the viewer if placing an order would exceed one of the limits. The warning is given during the request of purchasing the program, not watching the television program.

By contrast, although Smith allows a user to set a spending limit, the user is free to make a phone call as long as the limit is not about to reach. See col. 1, lines 43-49. The telephone network (relied upon as the television apparatus) cannot notify a user that the user would exceed the spending limit after the user has entered a destination phone number, indicating an intention to pay for the call. Thus, Smith actually solves a very different problem.

Although Urakoshi discloses that if a purchase would exceed a budget, the television receiver displays an over-budget message, there is no motivation to modify the telephone network disclosed in Smith using the teaching taught by Urakoshi because the accounting practice in a telephone network is quite different from a pay-per-view system in a television environment.

Furthermore, even if the telephone network is modified using the accounting

practice as taught by Urakoshi, the modified system is not a television apparatus as recited in amended claim 1.

In light of the fact that modifying the telephone network disclosed in Smith with the teaching of Urakoshi does not arrive at amended claim 1 and that there is no motivation to modify the telephone network disclosed in Smith with a different accounting practice taught by Urakoshi, applicants submit that amended claim 1, and dependent claims 2-4 and 6, are patentable over Smith in view of Urakoshi.

Furthermore, amended claim 6 recites the steps of performing a check to see if a spending limit for a shorter time period is greater than a spending limit entry for a longer time period; and providing the user warning if the spending limit for the shorter time period is greater. These two steps are used to ensure that the spending limit for a shorter time period is not greater than a spending limit for a longer time period. Nowhere does Smith disclose or suggest such steps. Thus, claim 6 is patentable over Smith in view of Urakoshi for this reason alone.

The Office Action states that if the spending limit of a longer period is smaller than that of a shorter period, a user would not be able to exceed the smaller spending limit, and, therefore, a skilled artisan would implement the above two steps to avoid overspending. On the contrary, since the system would not allow a user to exceed the smaller spending limit, there is no problem of over-spending and, thus, no motivation to implement the above two steps.

Amended claims 11 and 12 recite similar features as amended claim 1. Thus, both claims, and dependent claim 13 of claim 12, are patentable over Smith in view of

Urakoshi for similar reasons discussed above with respect to claim 1.

Furthermore, claim 13 recites similar features as claim 6. As such, the arguments made above with respect to claim 6 are also applicable to claim 13, and claim 13 is patentable for this reason alone.

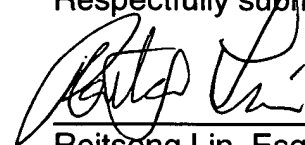
CONCLUSION

In view of the foregoing remarks and amendments, the Applicant believes that he has overcome all of the Examiner's basis for rejection, and that this application therefore stands in condition for allowance. However, if the Examiner is of the opinion that such action cannot be taken, the Applicant requests that he contact their undersigned attorney in order to resolve any outstanding issues without the necessity of issuing another Office Action.

FEE

No fee is believed due. However, if a fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,



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